

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAULA HOLCOMB,

Plaintiff,

v.

DECISION AND  
ORDER  
12-CV-673A

STATE UNIVERSITY OF NEW YORK  
AT FREDONIA, KARL BOELTER, DENNIS HEFNER,  
and BARRY KILPATRICK,

Defendants.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 31, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that the defendants' summary judgment motion (Dkt. No. 33) be denied without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the defendants' summary judgment motion (Dkt. No 33) is denied without prejudice.

The case is referred back to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.

\_\_\_\_\_*Richard J. Arcara*\_\_\_\_\_  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: September 8, 2014